

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 **AARON GREENSPAN,**

12 Plaintiff,

13 v.

14 **OMAR QAZI, et al.,**

15 Defendants.
16
17
18
19
20
21
22
23
24
25
26
27
28

Case No. 3:20-cv-03426-JD

**[PROPOSED] ORDER GRANTING
DEFENDANTS OMAR QAZI AND
SMICK ENTERPRISES, INC.'S
SPECIAL MOTION TO STRIKE
CLAIMS UNDER CALIFORNIA'S ANTI-
SLAPP STATUTE, CIV. PROC. CODE
§425.16, AND MOTION TO DISMISS
THIRD AMENDED COMPLAINT
UNDER FED. R. CIV. P. 12(B)(6)**

Time: TBD
Date: TBD
Before: The Hon. James Donato
Ctm.: 11, 19th Floor

1 Before the Court is Defendants Omar Qazi and Smick Enterprises, Inc. (“Smick
2 Defendants”)’s Special Motion to Strike the Third Amended Complaint (“TAC”) under
3 California’s anti-SLAPP statute, Code of Civil Procedure (“CCP”) §425.16, and Motion to
4 Dismiss the TAC under Federal Rule of Civil Procedure (“Rule”) 12(b)(6) (collectively,
5 “Motion”). Having reviewed and considered the Motion and supporting and opposing documents,
6 as well as the other related papers and pleadings on file herein, and good cause appearing, the
7 Court hereby finds and orders as follows:

8 IT IS ORDERED THAT the Smick Defendants’ Motion is GRANTED.

9 IT IS FURTHER ORDERED THAT Plaintiff’s First Cause of Action for Defamation Per
10 Se and Third Cause of Action for Violation of the California Civil Anti-Stalking Statute are hereby
11 stricken under CCP §425.16. The Smick Defendants have shown that the conduct at issue arises
12 from protected activity, and Plaintiff has not shown a probability of prevailing on his claims as set
13 forth in the TAC.

14 IT IS FURTHER ORDERED THAT Plaintiff’s remaining claims against the Smick
15 Defendants (Counts IV, V, VI, and VIII) are hereby dismissed with prejudice under Rule 12(b)(6).

16 IT IS FURTHER ORDERED THAT the Smick Defendants are entitled to their reasonable
17 attorney’s fees and costs incurred in connection with the Smick Defendants’ Motion as relates to
18 the Counts I, III, IV, V, and VI under CCP §425.16 and 17 U.S.C. §§505 and 1203. The Smick
19 Defendants shall prepare a separate motion outlining their fees and costs within 45 days of the date
20 of this Order.

21 **IT IS SO ORDERED.**

22
23 DATED: _____

United States District Judge